

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ANDREW HINESLEY,

Plaintiff,

v.

GRAY TELEVISION, INC., d/b/a HAWAII NEWS
NOW,

Defendant.

No. 1:25-CV-11488

PLAINTIFF'S SUPPLEMENTAL REQUEST TO STRIKE UNAUTHORIZED

FILINGS (DKTS. 31 & 38)

Plaintiff respectfully supplements Dkt. 37 and moves to strike both Dkt. 31 and Dkt. 38, filed by proposed intervenor Eugene Volokh. These filings are procedurally improper. Volokh's motion to intervene (Dkt. 16) remains pending. No order has granted him party status, and no leave was requested to file either submission. Nonetheless, he filed a full opposition to sealing (Dkt. 31) and a reply to a motion not directed at him (Dkt. 38). These filings violate:

- Fed. R. Civ. P. 24(c) – No filings permitted before intervention is granted,
- Local Rule 5.4(c) – Non-party filings require court approval,
- Local Rule 7.1(a)(2) – No certification of conferral.

Volokh cites cases where courts waived Rule 24(c)'s pleading requirement for limited-purpose intervention. But in each, the intervenor either waited for the court's ruling or sought leave before filing anything substantive. None authorized party-style opposition briefing before intervention was granted.

See:

- *Doe v. Town of Lisbon*, 78 F.4th 38, 45 (1st Cir. 2023) (denying intervention for failure to follow procedure)
- *R & G Mortg. Corp. v. FHLMC*, 584 F.3d 1, 11 (1st Cir. 2009) (participation requires granted intervention)
- *In re Gitto Global Corp.*, 422 F.3d 1, 7 (1st Cir. 2005) (“Public access does not override process”)
- *United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995) (courts may strike unauthorized filings)

This Court need not reach the merits of sealing or set new precedent. It need only enforce standard procedure. Plaintiff respectfully requests that Dkts. 31 and 38 be stricken.

Dated: June 20, 2025

Respectfully submitted,

/s/ Andrew Hinesley

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June 2025, I file the foregoing document and all attached exhibits through the Court's CM/ECF system, which will send notice of electronic filing to all registered counsel of record.

/s/ Andrew Hinesley
Andrew Hinesley
Pro se